

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 6/1/2022

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CARL D. WELLS,

Petitioner,

-v-

SUPT MARK MILLER,

Respondent.
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21-cv-11231 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court is in receipt of letters from Petitioner requesting a phone conference in order to explain the status of the case and the Court's orders issued in this case. Dkt. Nos. 29, 31. That request is DENIED in light of this Order, which sets forth the status of Petitioner's case and the relevant orders that the Court has issued.

On December 28, 2021, Petitioner filed a petition for writ of habeas corpus (the "Petition") pursuant to 28 U.S.C. § 2254. On February 1, 2022, the Court issued an Order that directed, among other things, Respondent to file and serve an answer, motion, or other response to the Petition within 60 days, or by April 4, 2022, and for Petitioner to respond to any motion within 30 days after he is served with Respondent's papers. Dkt. No. 9. On March 29, Respondent, through counsel, requested an extension of time to respond to the Petition. Dkt. No. 15. The Court granted that request and directed Respondent to respond to the Petition by May 4, 2022. Dkt. No. 17. On May 2, 2022, Respondent again requested an extension of time to respond to the Petition. Dkt. No. 22. The Court granted that request and noted that the Court was not inclined to grant future requests. Dkt. No. 23. As per the Court's Order, Respondent was required to respond to the motion by June 3, 2022. *Id.*

On May 10, 2022 and May 16, 2022, Petitioner filed a motion to "supplement and addend" certain exhibits to his pending Petition. Dkt. Nos. 25–26. These exhibits include documents related to Petitioner's incarceration: an "Inmate Lookup Service" printout; a July 2015 Calendar Notice from the Supreme Court, New York County stating that judgment in Petitioner's case had been reversed and a related order; a July 2015 Decision and Order of the Appellate Division vacating Petitioner's conviction; and a February 2021 Decision and Order of the Court of Claims and documents relating to Petitioner's claim that was the subject of that proceeding. Respondent did not file any opposition to Petitioner's motions, and the motions to "supplement and addend" are hereby GRANTED.

On May 17, 2022, Respondent filed a motion to dismiss Petitioner's Petition or, in the

alternative, for an order directing Petitioner to provide a more definite statement of his claims. Dkt. No. 27. Petitioner has not responded to the motion but has submitted the letters that are the subject of this Order. If Petitioner wishes to respond to Respondent's motion to dismiss or for a more definite statement, he shall do so by July 8, 2022. Respondent shall then file any reply by July 29, 2022.

In summary, there is a pending motion to dismiss or for a more definite statement with respect to the Petition. Petitioner has an opportunity to respond to the arguments raised in the motion, as long as he does so by July 8, 2022. If Petitioner is unable to respond by July 8, 2022, he should file a motion for an extension as soon as possible and in no event later than July 1, 2022.

The Clerk of Court is respectfully directed to close Dkt. Nos. 25 and 26.

SO ORDERED.

Dated: June 1, 2022
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge